

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RICKY MOTEN,

Defendant.

Case Number 00-6343-CR-Zloch

CLARENCE MADDOX
CLERK U.S. DIST. CT.
S.D. OF FLA.-FTL

FILED BY
MR-5 P147

**DEFENDANT, RICKY MOTEN'S, MOTION
TO RESET SENTENCING**

COMES NOW the Defendant, Ricky Moten, by and through undersigned counsel, who moves this Honorable Court to reset the Defendant's sentencing in the above-entitled matter due a scheduling conflict of Defendant's counsel, and as grounds therefor would show:

1. That on March 26, 2001, the Defendant entered a change of plea in the above matter, and sentencing was scheduled for Friday, June 22, 2001 at 11:00 A.M.
2. That undersigned counsel was scheduled for a revocation hearing on April 16, 2001, in the case of USA v. Leonor Leal, Case Number 95-742-CR-Highsmith. However, the revocation hearing was suddenly rescheduled, based on the unavailability of the US Probation Officer handling the case. That revocation hearing was reset by notice of

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Court for June 22, 2001 in Miami, at 9:30 A.M. before Judge Shelby Highsmith.

3. That although the revocation hearing was scheduled two days after Mr. Moten's sentencing date, this revocation has been pending for quite some period of time, and has, of necessity, been cancelled and rescheduled on a few occasions.

4. That in the interest of attempting to accommodate several schedules, undersigned counsel would most respectfully request that Mr. Moten's sentencing hearing be reset so as to allow for the revocation hearing to proceed. Counsel would submit that resetting this sentencing is based solely on counsel's scheduling conflict, and is not intended to unduly delay or hinder the resolution of this case.

5. That undersigned counsel's office has attempted to reach Dana Washington, the Assistant US Attorney handling this matter, however, as of the time of filing, undersigned counsel has not yet spoken with Mr. Washington.

WHEREFORE, the Defendant moves this Honorable Court to reset the sentencing in the above-entitled matter.

I HEREBY CERTIFY that a copy of the foregoing was furnished, by mail, to Dana Washington, Assistant US Attorney, 299 East Broward Blvd., Fort Lauderdale FL 33301, to David Joffe, Esquire, Counsel to Linden Johnson, 2900 Bridgeport Avenue, Suite 401, Coconut Grove, FL 33131 -3606, Robert Berube, Esquire, Counsel to Mosi Grant, 101 NE 3 Avenue, Suite 202, Fort Lauderdale FL 33301, and Emmanuel Perez, Esquire, Counsel

to Tameka Johnson, 2121 Ponde de Leon Blvd., Suite 9, Coral Gables, FL 33134 this

4th day of April, 2001.

Respectfully submitted,

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